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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/775,393

Applicant(s)

GUPTA, ANOOP

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-33 and 35-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-33 35-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The declaration filed on 5/25/07 under 37 CFR 1.131 has been considered but is ineffective to overcome the Lowthert reference.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Lowthert reference to either a constructive reduction to practice or an actual reduction to practice. The applicant does not provide the details of his diligence in the declaration, and pleading diligence is not the same as showing diligence.

### ***Response to Arguments***

Applicant's arguments filed 5/25/07 have been fully considered but they are not persuasive.

Page 13, first paragraph:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the searching recorded data and only providing portions that match the meta-data provided by the user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Page 13, last paragraph continuing onto page 14:

The applicant argues that Rangan teaches a system wherein the headend provides comments that are passed onto the users. As this is true, Rangan also teaches a system wherein a user at the headend watches the video that he/she are commenting on (Rangan: figure 9, part 81; column 16, lines 8-16). The examiner interprets this user as a viewer, and therefore the limitation is met.

Page 15, first paragraph:

The applicant argues that Hejna does not disclose a system for disabling and skipping portions of the program to be skipped. As Hejna teaches a system for enabling a user to fast forward through commercials when the user has enough credits to do so, therefore Hejna also teaches a system that disallows fast forwarding through commercials when there are lacking in credits. Also, as when a program is being displayed in fast forward, portions (frames of video) would not be shown and therefore would be disabled and skipped.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 20, 21, 23-30, 32-37, 39, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Rangan.

Referring to claim 20, Rangan discloses a storage device (figure 12, part 131) to store a plurality of comments corresponding to media content (column 6, lines 6-12); and a comment handler, coupled to the storage device, to receive comments (column 22, lines 28-32) corresponding to the media content from a plurality of different sources that have viewed the content (figure 9, part 81; column 16, lines 8-16) and based on a plurality of different versions of the media content (column 5, lines 66-67; column 6, lines 45-47), store the received comments on the storage device, and make the stored plurality of comments available to devices rendering the media content (column 6, lines 6-16).

Referring to claim 21, Rangan discloses a system as recited in claim 20, wherein one of the plurality of different versions is a live version and another of the plurality of different versions is a recorded version, and wherein the plurality of comments include both comments to the live version and comments to the recorded version (column 5, lines 66-67).

Referring to claim 23, Rangan discloses a system as recited in claim 20, wherein each of the received comments includes: an identifier of the corresponding media content; an identifier of a location, within the media content (column 7, lines 14-18), that the comment corresponds to; and an identifier of the user that made the comment (column 6, lines 6-16).

Referring to claim 24, Rangan discloses a method comprising: allowing comments to be made by a plurality of viewers (column 6, lines 6-16; figure 8) of a plurality of different versions of a program (column 5, lines 66-67; column 6, lines 45-47); consolidating the comments (figure 8); and making the comments available to subsequent viewers of one of the plurality of different versions of the program or another version of the program (column 14, lines 52-54).

Referring to claim 25, Rangan discloses a method as recited in claim 24, wherein the consolidating comprises consolidating the comments at a centralized location (figure 8).

Referring to claim 26, Rangan discloses a method as recited in claim 24, wherein the plurality of different versions include one or more of: a version stored on magnetic tape, a version stored on an optical storage device, and a streaming multimedia content version (column 6, lines 45-47).

Referring to claim 27, Rangan discloses a method as recited in claim 24, further comprising: identifying a particular group that the comments correspond to; and making the comments available only to viewers that are associated with the particular group (column 6, lines 6-16).

Referring to claim 28, Rangan discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 24 (column 6, lines 51-56).

Referring to claim 29, Rangan discloses one or more computer-readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a computer, causes the one or more processors to perform acts (column 6, lines 51-56) including: receiving multimedia content; storing the multimedia content locally (figure 12, part 133); receiving comments regarding the multimedia content; storing the comments locally (figure 12, part 131); and allowing the comments to be accessed during subsequent playback of the stored multimedia content (column 6, lines 6-16).

Referring to claim 30, Rangan discloses one or more computer-readable media as recited in claim 29, wherein the receiving comprises receiving the multimedia content from a remote source (figure 7).

Referring to claim 32, Rangan discloses one or more computer-readable media as recited in claim 29, further comprising allowing a plurality of users to access the stored multimedia content, and wherein the allowing comprises allowing the plurality of users to access the comments during playback of the stored multimedia content (column 6, lines 6-16; figure 7).

Referring to claim 33, Rangan discloses a method comprising: identifying a synchronization point in a multimedia program (column 11, lines 27-30), wherein the synchronization point occurs an amount of time after the beginning of the multimedia program (column 7, lines 19-25); and using the synchronization point as a common temporal reference point for the multimedia program (column 22, lines 28-32); wherein the using comprises using the synchronization point as a reference point for a comment received from a viewer of the multimedia program, the comment for sharing with other viewers of the multimedia program (figure 9, part 81; column 16, lines 8-16).

Referring to claim 35, Rangan discloses a method as recited in claim 33, further comprising identifying a reference point that indicates an offset from the synchronization point (column 22, lines 7-12).

Referring to claim 36, Rangan discloses a method as recited in claim 33, wherein the identifying comprises receiving an indication from a source of the multimedia program of the synchronization point (column 22, lines 7-12).

Referring to claim 37, Rangan discloses a method as recited in claim 33, wherein the synchronization point is received in a communication separate from the multimedia program (column 13, lines 45-48).



Referring to claim 39, Rangan discloses a method as recited in claim 33, wherein the identifying comprises using, as the synchronization point, a particular frame of the multimedia program (column 22, lines 7-12).

Referring to claim 41, Rangan discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 33 (column 6, lines 51-56).

2. Claims 45-48, 52-55, 57, 62-64, 66-69, and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowthert.

Referring to claim 45, Lowthert discloses a method comprising: identifying an amount of time that particular media content has been rendered on a device; and rendering one or more advertisements after the amount of time exceeds a threshold amount (paragraph 30).

Referring to claim 46, Lowthert discloses a method as recited in claim 45, further comprising preventing any more of the particular media content from being rendered until after the one or more advertisements has been rendered (paragraph 30).

Referring to claim 47, Lowthert discloses a method as recited in claim 45, wherein the particular media content is rendered on the device over a plurality of rendering sessions (paragraph 30).

Referring to claim 48, Lowthert discloses a method as recited in claim 45, further comprising resetting the amount of time after the one or more advertisements has been rendered, and repeating both the identifying an amount of time and rendering one or more advertisements (paragraph 30).

Referring to claim 52, Lowthert discloses a method as recited in claim 45, further comprising accessing meta data corresponding to the particular media content to identify a preference point of where rendering of the media content should be stopped and the one or more advertisements rendered (paragraph 30).

Referring to claim 53, Lowthert discloses a method as recited in claim 45, wherein the particular media content comprises a television program (paragraph 4).

Referring to claim 54, Lowthert discloses a method as recited in claim 45, wherein the particular media content comprises media content retrieved from a local storage device (paragraph 27).

Referring to claim 55, Lowthert discloses a method as recited in claim 45, further comprising modifying the threshold amount based at least in part on the amount of a fee paid by a user of the device (paragraph 32).

Referring to claim 57, Lowthert discloses a method as recited in claim 45, further comprising: receiving meta data corresponding to the particular media content; identifying one or more portions of the particular media content in response to user inputs; and rendering the identified one or more portions of the particular media content (paragraphs 25 and 30).

Referring to claim 62, Lowthert discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 45 (figure 3).

Referring to claim 63, Lowthert discloses one or more computer-readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a computer, causes the one or more processors to perform acts including: playing back media content; checking whether an amount of time that the media content has been played back has elapsed; and playing back one or more advertisements after the amount of time has elapsed (paragraph 30).

Referring to claim 64, Lowthert discloses one or more computer-readable media as recited in claim 63, wherein the media content is rendered on the computer over a plurality of rendering sessions (paragraph 30).

Referring to claim 66, Lowthert discloses one or more computer-readable media as recited in claim 63, further comprising accessing meta data corresponding to the particular media content to identify a preference point of where rendering of the media content should be stopped and the one or more advertisements rendered (paragraph 30).

Referring to claim 67, Lowthert discloses a system comprising: one or more rendering components to render a program (figure 3, part 50); and an advertisement controller to monitor how long the program has been rendered since the last advertisement was rendered (figure 3, part 44), and to render one or more additional advertisements if the amount of time since the last advertisement was rendered exceeds a threshold amount (paragraph 30).

Referring to claim 68, Lowthert discloses a system as recited in claim 67, wherein the one or more rendering components comprise an audio rendering component to play audio content of the program and a video rendering component to play video content of the program (paragraph 6).

Referring to claim 69, Lowthert discloses a system as recited in claim 67, wherein the one or more rendering components render the program over a plurality of rendering sessions (paragraph 30).

Referring to claim 71, Lowthert discloses a system as recited in claim 67, further comprising accessing meta data corresponding to the program to identify a preference point of where rendering of the program should be stopped and the one or more additional advertisements rendered (paragraph 30).

3. Claims 72-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Hejna.

Referring to claim 72, Hejna discloses a method comprising: rendering, by a device, a program (column 4, lines 33-36); and identifying one or more portions of the program that include commercials; disabling, while the one or more portions that include commercials are being rendered, a control of the device that allow one or more portions of the program to be skipped (column 37, lines 15-31).

Referring to claim 73, Hejna discloses a method as recited in claim 72, wherein the program comprises a television program (column 32, lines 18-25).

Referring to claim 74, Hejna discloses a method as recited in claim 72, wherein the control comprises a fast forward button (column 37, lines 15-31).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Sumita.

Referring to claim 16, Morrison discloses a method of rendering of a television program, the method comprising: receiving meta data corresponding to a television program (figure 6, box 605); identifying one or more portions of the television program in response to user inputs (column 3, lines 25-30; column 1, lines 14-20); and rendering the identified one or more portions of the television program (column 1, lines 44-48).

Morrison does not disclose a method wherein portions of the television program are rendered; and wherein the meta-data identifies portions within the television program having certain characteristics.

In an analogous art, Sumita teaches a method wherein portions of the television program are rendered; and wherein the meta-data identifies portions within the television program having certain characteristics (column 4, line 43-47).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program portion searching taught by Sumita to the system disclosed by Morrison. The motivation would have been to enable the user to find and watch only the portions that interested them, therefore making the system more enticing.

Referring to claim 17, Morrison discloses a method as recited in claim 16, wherein the identifying comprises locating a next occurrence of user input search criteria in the meta data and determining a location of the television program

corresponding to the next occurrence in the meta data, and wherein the rendering comprises beginning playback of the television program at the determined location (column 3, lines 51-53; figure 2, part 202).

Referring to claim 18, Morrison does not disclose a method as recited in claim 16, wherein the identifying comprises locating a plurality of occurrences of user input search criteria in the meta data and determining a plurality of portions of the television program corresponding to the occurrences, and wherein the rendering comprises rendering the plurality of portions.

Sumita discloses a method as recited in claim 16, wherein the identifying comprises locating a plurality of occurrences of user input search criteria in the meta data and determining a plurality of portions of the television program corresponding to the occurrences, and wherein the rendering comprises rendering the plurality of portions (column 4, line 43-47).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program portion searching taught by Sumita to the system disclosed by Morrison. The motivation would have been to enable the user to find and watch only the portions that interested them, therefore making the system more enticing.

Referring to claim 19, Morrison discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 16 (figure 4).

5. Claims 22, 31, 42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of Abrams.

Referring to claim 22, Rangan does not disclose a system as recited in claim 21, wherein the comments to the live version comprise a live discussion of users viewing the live version.

Abrams discloses a system as recited in claim 21, wherein the comments to the live version comprise a live discussion of users viewing the live version (column 12, lines 25-29 and 33-35).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the live commenting taught by Abrams to the system disclosed by Rangan. The motivation would have been to enable comments to be made on unplanned events such as breaking news.

Referring to claim 31, Rangan does not disclose one or more computer-readable media as recited in claim 29, wherein the receiving comprises receiving the multimedia content from a local video camera.

Abrams discloses one or more computer-readable media as recited in claim 29, wherein the receiving comprises receiving the multimedia content from a local video camera (figure 8).



At the time of the invention it would have been obvious for one of ordinary skill in the art to add the local camera taught by Abrams to the system disclosed by Rangan. The motivation would have been to enable the system to have flexibility in its inputs.

Referring to claim 42, Rangan discloses one or more computer-readable media having stored thereon a plurality of instructions that, when executed by one or more processors of a computer, causes the one or more processors to perform acts (column 6, lines 51-56) including: receiving an indication of media content from a client computing device (column 11, lines 27-30); identifying a location of the media content to use as a synchronization point for the media content (column 11, lines 27-30); and indicating, to the client computing device, the synchronization point (column 22, lines 7-12).

Rangan does not disclose a method for receiving from a viewer at the client computing device comments related to the media content for sharing with other viewers of the media content.

In an analogous art, Abrams teaches a method for receiving from a viewer at the client computing device comments related to the media content for sharing with other viewers of the media content (column 12, lines 25-29 and 33-35).

At the time of the invention it would have been obvious for one of ordinary skill in the art to comment sharing taught by Abrams to the system disclosed by Rangan. The motivation would have been to enable comments to be made on unplanned events such as breaking news.

Referring to claim 44, Rangan discloses one or more computer-readable media as recited in claim 42, further comprising identifying a reference point that identifies an offset from the synchronization point (column 22, lines 7-12).

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of Krewin.

Referring to claim 38, Rangan does not disclose a method as recited in claim 33, wherein the multimedia program is received from a local storage device and wherein the identifying comprises receiving the synchronization point from a remote location.

Krewin discloses a method as recited in claim 33, wherein the multimedia program is received from a local storage device and wherein the identifying comprises receiving the synchronization point from a remote location (paragraphs 81-84).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the local sync data taught by Krewin to the system disclosed by Rangan. The motivation would have been to enable the system to download commercials during periods of non-use, therefore saving bandwidth.

7. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of Swix.

Referring to claim 40, Rangan does not disclose a method as recited in claim 39, wherein the particular frame comprises a frame including a title screen of the multimedia program.

Swix discloses a method as recited in claim 39, wherein the particular frame comprises a frame including a title screen of the multimedia program (column 10, lines 37-40).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the title syncing taught by Swix to the system disclosed by Rangan. The motivation would have been to insert the media in at point where the user would not be annoyed by its intrusion.

8. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of Abrams as applied to claim 42 above, and further in view of Srinivasan.

Referring to claim 43, Rangan does not disclose one or more computer-readable media as recited in claim 42, wherein the receiving an indication comprises receiving a request for the media content.

Srinivasan discloses one or more computer-readable media as recited in claim 42, wherein the receiving an indication comprises receiving a request for the media content (column 31, lines 58-64).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the on-demand media taught by Srinivasan to the system disclosed by

Rangan. The motivation would have been to enable the user to view media on their schedule, making them more likely to use the system.

9. Claims 49, 50, 65, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowthert in view of Logan.

Referring to claim 49, Lowthert does not disclose a method as recited in claim 45, further comprising modifying the threshold amount if the particular media content includes other advertisements.

Logan discloses a method as recited in claim 45, further comprising modifying the threshold amount if the particular media content includes other advertisements (column 13, lines 31-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the existing commercial credits taught by Logan to the system disclosed by Lowthert. The motivation would have been to enable the user to watch only the commercials that interest them.

Referring to claim 50, Lowthert does not disclose a method as recited in claim 49, wherein the modifying comprises modifying the threshold amount only if the other advertisements have been rendered on the device.

Logan discloses a method as recited in claim 49, wherein the modifying comprises modifying the threshold amount only if the other advertisements have been rendered on the device (column 13, lines 31-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add forcing the user to watch commercials, as taught by Logan, to the system disclosed by Lowthert. The motivation would have been to the system to be assured that the users were viewing some commercials.

Referring to claim 65, Lowthert does not disclose one or more computer-readable media as recited in claim 63, further comprising modifying the threshold amount if the particular media content includes other advertisements.

Logan discloses one or more computer-readable media as recited in claim 63, further comprising modifying the threshold amount if the particular media content includes other advertisements (column 13, lines 31-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the existing commercial credits taught by Logan to the system disclosed by Lowthert. The motivation would have been to enable the user to watch only the commercials that interest them.

Referring to claim 70, Lowthert does not disclose a system as recited in claim 67, further comprising modifying the threshold amount if the program includes other advertisements.

Logan discloses a system as recited in claim 67, further comprising modifying the threshold amount if the program includes other advertisements (column 13, lines 31-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the existing commercial credits taught by Logan to the system disclosed by Lowthert. The motivation would have been to enable the user to watch only the commercials that interest them.

10. Claims 51 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowthert in view of Hejna.

Referring to claim 51, Lowthert does not disclose a method as recited in claim 45, further comprising modifying the threshold amount if a playback speed of the particular media content is altered.

Hejna discloses a method as recited in claim 45, further comprising modifying the threshold amount if a playback speed of the particular media content is altered (column 37, lines 15-31).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the increased speed threshold adjustment taught by Hejna to the system disclosed by Lowthert. The motivation would have been to enable the user to view parts of the commercial while skipping it.

Referring to claim 61, Lowthert does not disclose a method as recited in claim 45, further comprising accumulating points when advertisements are rendered, wherein the accumulated points can be subsequently redeemed for one or more of goods and services.

Hejna discloses a method as recited in claim 45, further comprising accumulating points when advertisements are rendered, wherein the accumulated points can be subsequently redeemed for one or more of goods and services (column 37, lines 15-31).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the points redemption taught by Hejna to the system disclosed by Lowthert. The motivation would have been to enable the user to only view the commercials that interested them.

11. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowthert in view of Sumita in view of Bhagavath.

Referring to claim 56, Lowthert does not disclose a method as recited in claim 45, wherein the media content includes a plurality of portions, including both one or more highlight portions and one or more non-highlight portions, and further comprising saving, to a storage device, only the one or more highlight portions.

Sumita discloses a method as recited in claim 45, wherein the media content includes a plurality of portions, including both one or more highlight portions and one or more non-highlight portions (column 4, lines 43-47).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program portions taught by Sumita to the system disclosed by Lowthert. The motivation would have been to enable the user to watch only the portions that interested them.

Lowthert and Sumita do not disclose a method as recited in claim 45, further comprising saving, to a storage device, only the one or more highlight portions.

Bhagavath discloses a method as recited in claim 45, further comprising saving, to a storage device, only the one or more highlight portions (column 3, lines 20-21).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program portions recording taught by Bhagavath to the system disclosed by Lowthert and Sumita. The motivation would have been to enable the user to record programs for them to watch at their own accord.

12. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowthert in view of Rangan.

Referring to claim 58, Lowthert does not disclose a method as recited in claim 45, further comprising: receiving comments, corresponding to the particular media content, from a content server, wherein the comments have been input by other users that the particular media content has been rendered to; and rendering the comments along with the particular media content.

Rangan discloses a method as recited in claim 45, further comprising: receiving comments, corresponding to the particular media content, from a content server (figure 1), wherein the comments have been input by other users that the particular media content has been rendered to (column 6, lines 6-12); and rendering the comments along with the particular media content (column 22, lines 28-32).



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At the time of the invention it would have been obvious for one of ordinary skill in the art to add the commenting taught by Rangan to the system disclosed by Lowthert. The motivation would have been to allow for commercials to be broadcast to user that did not interrupt their viewing.

13. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowthert in view of Abrams.

Referring to claim 59, Lowthert does not disclose a method as recited in claim 45, further comprising: receiving, from a user that the particular media content is being rendered to, a comment regarding the particular media content; and forwarding the comment to a remote comment server for storage.

Abrams discloses a method as recited in claim 45, further comprising: receiving, from a user that the particular media content is being rendered to, a comment regarding the particular media content; and forwarding the comment to a remote comment server for storage (column 12, lines 25-29; figure 4, part 30).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the remote comment storage taught by Abrams to the system disclosed by Lowthert. The motivation would have been to save the messages on the remote servers, which would have more storage than user's Set Top Boxes.

14. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowthert in view of Abrams as applied to claim 59 above, and further in view of Rangan.

Referring to claim 60, Lowthert and Abrams do not disclose a method as recited in claim 59, further comprising: identifying a synchronization point in the particular media content, wherein the synchronization point occurs an amount of time after the beginning of the media content; and identifying a location of the media content that the comment corresponds to based on an offset from the synchronization point.

Rangan discloses a method as recited in claim 59, further comprising: identifying a synchronization point in the particular media content, wherein the synchronization point occurs an amount of time after the beginning of the media content (column 7, lines 19-25); and identifying a location of the media content that the comment corresponds to based on an offset from the synchronization point (column 22, lines 7-12).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the media sync taught by Rangan to the system disclosed by Lowthert and Abrams. The motivation would have been to allow the system to dictate when the message appeared to the user.

15. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hejna in view of Logan.

Referring to claim 75, Hejna does not disclose a method as recited in claim 72, wherein the control comprises a skip button.

Logan discloses a method as recited in claim 72, wherein the control comprises a skip button (column 13, lines 31-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add commercial skipping taught by Logan to the system disclosed by Hejna. The motivation would have been to enable the user to only watch the commercials that interested them.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JS

  
SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER